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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of
John SKALEN
Serial No.: 09/787,750
Filed: May 21, 2001
For: GOLF TRAINING DEVICE

Appeal No.: 2004-0064
Date: February 20, 2004
Group Art Unit: 3711
Examiner: M. Chambers

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION PURSUANT TO 37 C.F.R. § 1.132

I, JOHAN ANDERSSON, declare as follows:

1. I reside at Staveredsgatan 16 B S-461 31 Trollhättan Sweden. I am making this declaration in support of the patent application identified above. I have studied the corresponding Swedish-language patent application, and I am fully familiar with that patent application, and with the golf practice device disclosed in that application.

2. I am an experienced golfer and golf instructor, and am familiar with various golf training and practice techniques and devices. I am also familiar with various mechanical devices through experience and training as described below.

3. My experience in the golf industry started in January 1992 when I enrolled in the Golf Management AA Degree program at College of the Desert, Palm Desert California, USA. I completed this program with honors in January 1994. The program covered all aspects of the golf industry including teaching, golf shop operations, fittings and repairs, and so forth.

4. After completing my studies, I was employed by the Indian Ridge Country Club in Palm Desert, CA on the golf staff for outside services. The job included teaching, golf shop

operations, and related activities. I worked at Indian Ridge until May 1996, when I returned to Sweden where I worked for several months as a golf professional at a Swedish golf training center. My duties included teaching, sales of golf goods, and repairing golf equipment.

5. I have also had substantial training and work experience in technical matters. From 1988-1990, I studied electrical power engineering and maintenance operations at Nils Ericsson skolan, Trollhättan, Sweden and at Lindholmens Gymnasium, Gothenburg, Sweden. From October 1990 to January 1992, I worked for SAAB Scania (SAAB AUTOMOBIL) as an operator and maintenance person for press units.

6. From June 1996 to May 2000, I worked as Marketing Director at HANS ANDERSSON KONSULT AB in Trollhättan, Sweden. My duties included promoting new products in the field of rescue equipment to the world market. Since October 2000, I have been Export and Sales Manager with EMG-Elektronik Partner AB, also located in Trollhättan, Sweden, where my duties include marketing in the fields of electronic products, printed circuit fabrication, etc.

7. I first came in contact with the golf training device covered by this patent application while employed at HANS ANDERSSON KONSULT AB. The potential for this kind of product was apparent to me from prior experience in the field of golf teaching, because of its specific features. I was sufficiently impressed that I acquired 25% of the shares in HomeRange AB, the owner of the patent application.

8. The main feature of this product is that it can be set up to provide practice and training with different types of golf clubs. As those familiar with the game are aware, different clubs have very different performance characteristics and are used in different situations. Also, different techniques are required to use each club properly. When the device is set up for use with a particular club, it provides clear indication whether the ball has been hit properly or not.

9. The device of the invention is constructed of a non-resilient line anchored in the ground at one end with a golf ball at the other end. A resilient line positioned at 90 degrees across the non-resilient rope is anchored in the ground at both ends, and is coupled to the non-

resilient line by a ring which slides freely on both lines. In addition, there are differently colored markings on the non-resilient line which serve as reference marks to indicate the crossing points of the resilient and non-resilient lines for proper operation with different golf clubs. If the user wants to practice with an iron which is intended provide high loft, the reference marks indicate a crossing point for which the rest position of the ball is closer to the resilient line than for use with a driver which provides less loft, but greater travel distance.

10. When the ball is hit, the coupling of the two lines through the ring transfers energy to the resilient line, causing it to stretch as the ball flies out. When the forward motion of the ball is decreased and stopped by the non-resilient line, the energy stored in the resilient line causes the ball to return toward the starting position.

11. If the device is properly set up for the club being used, and the ball is properly hit, it will return along its outgoing flight path and roll to a stop substantially at the starting position. If it is hit improperly, it will not return to the starting position. For example, if the ball is "hooked" or "sliced", its resting place will be to the right or left of the outgoing path. If the ball is hit straight, but the point of contact by the club is too high or too low, the right amount of energy will not be transferred to the resilient line to return the ball to the starting position. If the amount of energy is too great, the ball will not roll to a stop at the starting position, but will rebound when it reaches the starting position. If the amount of energy is too small, the ball will stop short of the starting position. Therefore, an immediate and reliable indication is given of the quality of the shot.

12. If the device is set up for use with a driver, for example, and an iron is used, the crossing point will be too far from the ball, and even a proper shot will not transfer sufficient energy to the resilient line to return the ball to the starting position. If, however, the device is set up for use with an iron, but a driver is used, the crossing point will be too close to the ball, and a proper shot will transfer too much energy to the elastic line. In that case, the ball will rebound.

13. I have carefully reviewed British Patent Specification 401,955 of Harry Deane, and U.S. Patent 3,122,369 to O. D. Widnall, and fully understand the devices disclosed in these documents. Based on my knowledge of the game of golf, and my other experience as described above, it is my opinion that neither of these devices is inherently capable of guiding a user to properly set up the device for use with different clubs, and therefore is not able to provide feedback to a user practicing his or her swing with different clubs.

14. In both devices, markers are provided which are graduated in units of distance and which cooperate with a pointer to indicate the apparent travel distance of the ball. The distance markers (on line 8 in Widnall, and on tape 11 in Deane) are not related in any way to set up of the device, and can not be used for that purpose, as explained below.

15. In the case of the Widnall device, there is only one possible setup position, that is with cords 8 and 12 in a straight line and fully extended with a slight tension in cord 8, as shown in Fig. 1, and described in the patent beginning at the bottom of column 1. One reading this patent would not be taught to set the device up differently to allow proper use with different clubs, or for any other purpose. In fact, if the device were set up other than as shown and described, the distance indicator would not operate properly, and the final rest position of the ball would not indicate the quality of the hit with any club.


16. The device shown in Fig. 2 of the Deane specification is not even capable of being set up more than one way because limbs 13, 14, and 15 are of fixed length and orientation.

17. The device of Fig. 1 of the Deane specification is constructed similarly to that of the present invention and therefore, it is physically possible to select the crossing point between cords 5 and 8. However, there is nothing in the Deane Specification which suggests doing this. The markings on tape 11 indicate travel distance, and one reading the Deane Specification would not be taught to set the device up other than as shown in the drawing with elastic cord 8 crossing cord 5 at the end of tape 11. If the device were set up any other way, the distance indicator would not work correctly.

18. Further, there is nothing in the Deane Specification which suggests having the resilient line cross the non-resilient line at some point other than the zero-point on the distance tape to permit use with different clubs, or for any other reason. Even if one were told that by moving the resilient line relative to the ball, the device could be made to work properly with different clubs, one could still not use the markings on the tape as a guide for doing so because the distance markings do not indicate proper crossing points for different clubs.

19. I further declare that all statements made herein are made of my own knowledge and are true except for those statements based on information and belief, and which I believe to be true, and further that these statement are made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this declaration, this patent application, and any United States patent issuing therefrom.

Dated: MARCH 5TH - 2004


Johan Andersson